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Security Council

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The Security Council,

Reaffirming its commitment to the continuing and full implementation, in a mutually-reinforcing manner, of resolutions 1265 (1999), 1296 (2000), 1325 (2000), 1612 (2005), 1674 (2006), 1738 (2006), 1820 (2008), 1882 (2009), 1888 (2009) and 1889 (2009), and all relevant statements of its President,

Reaffirming its commitment to the Purposes of the Charter of the United Nations as set out in Article 1 (1-4) of the Charter, and to the Principles of the Charter as set out in Article 2 (1-7) of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States,

Noting that this year marks the tenth anniversary of the progressive consideration by the Security Council of the protection of civilians in armed conflict as a thematic issue, and *acknowledging* the enduring need for the Security Council and Member States to strengthen further the protection of civilians in armed conflict,

Noting further that this year also marks the 60th anniversary of the Geneva Conventions of 1949, which together with their Additional Protocols constitute the basis for the legal framework for the protection of civilians in armed conflict,

Recognizing that States bear the primary responsibility to respect and ensure the human rights of their citizens, as well as all individuals within their territory as provided for by relevant international law,

Reaffirming that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

Reaffirming the relevant provisions of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,

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Reiterating its deep regret that civilians continue to account for the vast majority of casualties in situations of armed conflict,

Stressing the particular impact that armed conflict has on women and children, including as refugees and internally displaced persons, as well as on other civilians who may have specific vulnerabilities including persons with disabilities and older persons, and *stressing* the protection and assistance needs of all affected civilian populations,

Noting the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009),

Noting with grave concern the severity and prevalence of constraints on humanitarian access, as well as the frequency and gravity of attacks against humanitarian personnel and objects and the significant implications of such attacks for humanitarian operations,

Recognizing the need for States in or emerging from armed conflict to restore or build accountable security institutions and independent national judicial systems,

Recalling the inclusion of war crimes, crimes against humanity and genocide in the statutes of the ad hoc international criminal tribunals and the Rome Statute of the International Criminal Court, and *emphasizing* in this regard the principle of complementarity,

Recognizing the importance of reparations programmes in response to serious violations of international humanitarian law and gross human rights violations,

Recognizing the importance of empowering vulnerable civilians through education and training as a means to support efforts to halt and prevent abuses committed against civilians in situations of armed conflict,

Recognizing the valuable contribution to the protection of children in armed conflict by the SRSG on Children and Armed Conflict and the Security Council Working Group on Children and Armed Conflict, including its conclusions and recommendations issued in line with resolution 1612 (2005), and *recalling* resolution 1882 (2009), which aims to strengthen the protection of children in situations of armed conflict,

Recalling its decision in resolution 1888 (2009) to address violence against women and children in situations of armed conflict by requesting the Secretary-General to appoint a special representative and to identify and take the appropriate measures to deploy rapidly a team of experts to situations of particular concern with respect to sexual violence in armed conflict,

Noting the practice of briefings to Security Council members by the Office for the Coordination of Humanitarian Affairs on behalf of the United Nations' humanitarian community, both through formal and informal channels,

Taking note of the report of the Secretary-General on the protection of civilians of 29 May 2009 (S/2009/277) and its annex on constraints on humanitarian access, which identify the core challenges to the effective protection of civilians, namely enhancing compliance with international law; enhancing compliance by non-State armed groups with their obligations under international law; enhancing protection through more effective and better resourced United Nations peacekeeping

and other relevant missions; enhancing humanitarian access; and enhancing accountability for violations,

Welcoming the proposals, conclusions and recommendations on the protection of civilians included in the report of the Special Committee on Peacekeeping Operations and its Working Group (A/63/19) and the important work conducted by the Security Council Working Group on Peacekeeping Operations, including its efforts aimed at enhancing the implementation of protection mandates,

Recalling the statement of its President of 5 August 2009 (S/PRST/2009/24) and *welcoming* ongoing efforts to strengthen UN peacekeeping,

Noting that United Nations peacekeeping missions constitute one of several means at the United Nations' disposal to protect civilians in situations of armed conflict,

1. *Demands* that parties to armed conflict comply strictly with the obligations applicable to them under international humanitarian, human rights and refugee law, as well as to implement all relevant decisions of the Security Council and in this regard, *urges* them to take all required measures to respect and protect the civilian population and meet its basic needs;

2. *Reiterates* its condemnation in the strongest terms of attacks in situations of armed conflict directed against civilians as such and other protected persons or objects as well as indiscriminate or disproportionate attacks and the utilisation of the presence of civilians to render certain points, areas or military forces immune from military operations, as flagrant violations of international humanitarian law and demands that all parties immediately put an end to such practices;

3. *Notes* that the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and *reaffirms in this regard* its readiness to consider such situations and, where necessary, to adopt appropriafe steps;

4. *Reiterates* its willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures at the Security Council's disposal in accordance with the Charter of the United Nations;

5. *Reiterates* its call on States that have not already done so to consider signing, ratifying or acceding to the relevant instruments of international humanitarian, human rights and refugee law, and to take appropriate legislative, judicial and administrative measures to implement their obligations under these instruments;

6. *Demands* that all States and parties to armed conflict fully implement all relevant decisions of the Security Council and in this regard cooperate fully with United Nations peacekeeping missions and Country Teams in the follow-up and implementation of these resolutions;

7. *Calls upon* all parties concerned:

(a) to ensure the widest possible dissemination of information about international humanitarian, human rights and refugee law;

(b) to provide training for public officials, members of armed forces and armed groups, personnel associated to armed forces, civilian police and law enforcement personnel, and members of the judicial and legal professions; and to raise awareness among civil society and the civilian population on relevant international humanitarian, human rights and refugee law, as well as on the protection, special needs and human rights of women and children in conflict situations, to achieve full and effective compliance;

(c) to ensure that orders and instructions issued to armed forces and other relevant actors are in compliance with applicable international law, and that they are observed, inter alia, by establishing effective disciplinary procedures, central to which must be the strict adherence to the principle of command responsibility to support compliance with international humanitarian law;

(d) to seek, where appropriate, support from United Nations peacekeeping and other relevant missions, as well as United Nations Country Teams and the International Committee of the Red Cross and, where appropriate, other members of the International Red Cross and Red Crescent Movement, on training and awareness raising on international humanitarian, human rights and refugee law;

8. *Emphasizes* the importance of addressing in its country specific deliberations the compliance of parties to armed conflict with international humanitarian, human rights and refugee law; *notes* the range of existing methods used, on a case by case basis, for gathering information on alleged violations of applicable international law relating to the protection of civilians and *underlines* the importance in this regard of receiving information that is timely, objective, accurate and reliable;

9. *Considers* the possibility, to this end, of using the International Fact-Finding Commission established by Article 90 of the First Additional Protocol to the Geneva Conventions;

10. *Affirms* its strong opposition to impunity for serious violations of international humanitarian law and human rights law and *emphasizes* in this context the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law in order to prevent violations, avoid their recurrence and seek sustainable peace, justice, truth and reconciliation;

11. *Recalls* that accountability for such serious crimes must be ensured by taking measures at the national level, and by enhancing international cooperation in support of national mechanisms, *draws attention* to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals, and truth and reconciliation commissions, as well as national reparation programs for victims and institutional reforms; and *underlines* the Security Council's role in ending impunity;

12. *Reaffirms* the Security Council's role in promoting an environment that is conducive to the facilitation of humanitarian access to those in need;

13. *Stresses* the importance for all, within the framework of humanitarian assistance, of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence;

14. *Stresses* the importance for all parties to armed conflict to cooperate with humanitarian personnel in order to allow and facilitate access to civilian populations affected by armed conflict;

15. *Expresses* its intention to:

(a) Call on parties to armed conflict to comply with the obligations applicable to them under international humanitarian law to take all required steps to protect civilians and to facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel;

(b) Mandate UN peacekeeping and other relevant missions, where appropriate, to assist in creating conditions conducive to safe, timely and unimpeded humanitarian assistance;

16. *Further expresses* its intention to:

(a) Consistently condemn and call for the immediate cessation of all acts of violence and other forms of intimidation deliberately directed against humanitarian personnel;

(b) Call on parties to armed conflict to comply with the obligations applicable to them under international humanitarian law to respect and protect humanitarian personnel and consignments used for humanitarian relief operations;

(c) Take appropriate steps in response to deliberate attacks against humanitarian personnel;

17. *Invites* the Secretary-General to continue the systematic monitoring and analysis of constraints on humanitarian access, to include as appropriate observations and recommendations in his briefings and country-specific reports to the Council;

18. *Recalls* its determination to upgrade the strategic oversight of peacekeeping operations mindful of the important role peacekeeping operations play for the protection of civilians and *reaffirms* its support to the efforts made by the Secretary-General to review peacekeeping operations and to provide enhanced planning and support and *renews* its encouragement to deepen these efforts, in partnership with troop and police contributing countries and other relevant stakeholders;

19. *Reaffirms* its practice of ensuring that mandates of UN peacekeeping and other relevant missions include, where appropriate and on a case-by-case basis, provisions regarding the protection of civilians, *stresses* that mandated protection activities must be given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of mandates; and *recognizes*, that the protection of civilians when and as mandated requires a coordinated response from all relevant mission components;

20. *Reaffirms also* the importance of entrusting peacekeeping and other relevant missions that are tasked with the protection of civilians with clear, credible and achievable mandates, based on accurate and reliable information on the

situation on the ground, and a realistic assessment of threats against civilians and missions, made in consultation with all relevant stakeholders, and *further reaffirms* the importance of a greater awareness in the Security Council of the resource and field support implications of its decisions and *stresses* the necessity to ensure the execution of the afore-mentioned mandates to protect civilians in the field;

21. *Recognizes* the necessity to take into account the protection needs of civilians in situations of armed conflict, in particular women and children, in the early phase of mandate drafting and throughout the lifecycle of United Nations peacekeeping and other relevant missions and in this regard *underlines* the importance of engagement with the countries concerned and of close consultation with the Secretariat, troop and police contributing countries, and other relevant actors;

22. *Recognizes also* the need for comprehensive operational guidance on peacekeeping missions' tasks and responsibilities in the implementation of protection of civilians mandates and *requests* the Secretary-General to develop in close consultation with Member States including troop and police contributing countries and other relevant actors, an operational concept for the protection of civilians, and to report back on progress made;

23. *Requests* the Secretary-General, in consultation with relevant actors, to ensure that peacekeeping missions with protection of civilians' mandates, in keeping with the strategic plans that guide their deployment, conduct mission-wide planning, pre-deployment training, and senior leadership training on the protection of civilians and requests troop and police contributing countries to ensure the provision of appropriate training of their personnel participating in UN peacekeeping and other relevant missions to heighten the awareness and responsiveness to protection concerns, including training on HIV/AIDS and zero tolerance of sexual exploitation and abuse in UN peacekeeping missions;

24. *Requests* the Secretary-General to ensure that all relevant peacekeeping missions with protection mandates incorporate comprehensive protection strategies into the overall mission implementation plans and contingency plans which include assessments of potential threats and options for crisis response and risk mitigation and establish priorities, actions and clear roles and responsibilities under the leadership and coordination of the SRSG, with the full involvement of all relevant actors and in consultation with United Nations Country teams;

25. *Requests* the Secretary-General to ensure that United Nations missions provide local communities with adequate information with regard to the role of the mission and in this regard ensure coordination between a United Nations mission and relevant humanitarian agencies;

26. *Takes note* of practical measures taken by ongoing peacekeeping missions and United Nations Country Teams to enhance the protection of civilians in the field, and *requests* the Secretary-General to include best practice in his next report on protection of civilians to the Council;

27. *Reaffirms* its practice of requiring benchmarks, as and where appropriate, to measure and review progress made in the implementation of peacekeeping mandates and *stresses* the importance of including indicators of progress regarding the protection of civilians in such benchmarks for relevant missions;

28. *Emphasizes* the need for a comprehensive approach to facilitate the implementation of protection mandates through promoting economic growth, good governance, democracy, the rule of law, and respect for, and protection of human rights, and in this regard, *urges* the cooperation of Member States and *underlines* the importance of a coherent, comprehensive and coordinated approach by the principal organs of the United Nations, cooperating with one another and within their respective mandates;

29. *Notes* that the excessive accumulation and destabilizing effect of small arms and light weapons pose a considerable impediment to the provision of humanitarian assistance and have a potential to exacerbate and prolong conflicts, endanger civilians and undermine security and the confidence required for a return to peace and stability, *calls on* parties to armed conflict to take all feasible precautions to protect the civilian population, including children, from the effects of landmines and other explosive remnants of war, and in this regard, *encourages* the international community to support country efforts in clearing landmines and other explosive remnants of war and to provide assistance for the care, rehabilitation and economic and social reintegration of victims, including persons with disabilities;

30. *Reiterates* the importance of the Aide Memoire on the protection of civilians (S/PRST/2009) as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues, particularly during deliberations on peacekeeping mandates and *stresses* the need to implement the approaches set out therein on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation;

31. *Recognizes* the important role of the Secretary-General in providing timely information to the Security Council on protection of civilians in armed conflict in particular through thematic and country specific reports and through briefings;

32. *Requests* the Secretary-General to include in his reports to the Council on country-specific situations more comprehensive and detailed information relating to the protection of civilians in armed conflict, including on protection-related incidents and actions taken by parties to armed conflict to implement their obligations to respect and protect the civilian population, including information specific to the protection needs of refugees, internally displaced persons, women, children and other vulnerable groups;

33. *Requests* the Secretary-General to develop guidance for UN peacekeeping and other relevant missions on the reporting on the protection of civilians in armed conflict with a view to streamlining reporting and enhancing the Council's monitoring and oversight of the implementation of protection mandates of UN peacekeeping and other missions;

34. *Stresses* the importance of consultation and cooperation between the United Nations, the International Committee of the Red Cross and other relevant organisations including regional organisations to improve the protection of civilians in armed conflict;

35. *Requests* the Secretary-General to submit his next report on the protection of civilians in armed conflict by November 2010;

36. *Decides* to remain seized of the matter.